

OFFICE OF THE GOVERNOR
STATE OF HAWAI'I

SUPPLEMENTAL PROCLAMATION

By the authority vested in me as Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, NEIL ABERCROMBIE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, pursuant to section 127-10, Hawaii Revised Statutes and chapters 128 and 209, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawai'i to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, it has become necessary to supplement my Proclamation of March 6, 2012, in order to provide additional assistance, protect the public health, safety, and welfare, and maintain the strength, resources, and economic life of the community; and

WHEREAS, the National Weather Service forecasts continuing periods of heavy rains and flooding through the weekend and into Sunday, March 11, 2012, and which are anticipated to cause further localized flooding, saturated ground conditions, and damage to private and public property in the County of Kauai and the City and County of Honolulu, State of Hawai'i; and

WHEREAS, state and county agencies have acted to ensure the protection of the public health, safety, and welfare; and

WHEREAS, actions by state and county agencies have been taken while balancing the immediate needs to protect and preserve vital facilities to ensure the long-term operation and long-term protection of the public health, safety, and welfare; and

WHEREAS, assessments have identified extensive damage and areas that need assistance or rehabilitation; and

WHEREAS, the Legislature of the State of Hawai‘i has appropriated from the general revenues of the State, monies as may be necessary for expenditure by or under the direction of the Governor for the immediate relief of the conditions created by the disaster; and

WHEREAS, in expending such monies, the Governor may allot any portion to any agency, office, or employee, federal, state, or county for the most expeditious and efficient relief of the conditions created by the disaster; and

WHEREAS, pursuant to section 127-11, Hawaii Revised Statutes, the Governor is authorized to determine whether a major disaster has occurred and authorize the expenditure of funds thereunder; and

WHEREAS, section 127-10, Hawaii Revised Statutes, provides that when sections 127-1 to 127-9 are not in effect, the Governor may exercise any and all powers contained in chapter 128, Hawaii Revised Statutes, to provide other disaster relief and that all provisions of the law provided in chapter 128, Hawaii Revised Statutes, during such period, are made applicable to other disaster relief, including without limitation, provisions making or authorizing appropriations or expenditures; and

WHEREAS, pursuant to Act 35, Regular Session Laws of Hawaii 1961, sections 127-1 to 127-9, Hawaii Revised Statutes, have been indefinitely suspended and are not in effect; and

WHEREAS, the provisions of Chapter 128, Hawaii Revised Statutes, are applicable to other disaster relief; and

WHEREAS, pursuant to section 127-10, Hawaii Revised Statutes, other disaster relief includes, but is not limited to the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by fire, flood, tidal wave, volcanic eruption, earthquake,

or other natural causes and major disasters caused by acts of man, including but not limited to, massive oil spills, nuclear accidents, airplane crashes and civil disturbances; and

WHEREAS, pursuant to section 128-8(4), Hawaii Revised Statutes, the Governor is authorized to suspend any law which impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, civil defense or other emergency functions; and

WHEREAS, pursuant to section 128-9(8), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and

WHEREAS, pursuant to section 128-10(10), Hawaii Revised Statutes, the Governor may suspend chapter 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4, Hawaii Revised Statutes, and find that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of emergency disaster relief functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawai'i, hereby determine that a major disaster and catastrophe contemplated by sections 121-30, 127-11, 128-8(4), 128-9(8), 128-10(5), 128-10(10), 128-10(11), 128-10(15), and 209-2, Hawaii Revised Statutes, has occurred as referenced in my March 6, 2012 disaster Proclamation, and in certain areas in the State of Hawai'i, and do hereby proclaim the County of Kauai and the City and County of Honolulu, State of Hawai'i, to be disaster areas for the purpose of authorizing the expenditure of State monies as appropriated for the speedy and efficient relief of the damages, losses, and suffering resulting from the disaster, and hereby authorize and invoke sections 128-8(4), 128-9(8), and 128-10(10); and in order to provide disaster relief or other emergency functions, and to the extent necessary to provide disaster relief, emergency functions, and/or to relieve hardship and inequities or obstructions to the public health, safety, and welfare, or repair,

restore, rebuild, with any necessary improvements, any public structures, roadways or bridges damaged by the heavy rains and flooding or any efforts to mitigate or respond to such damages, I hereby suspend, as allowed by federal law, the following statutes:

1. Chapter 6E, **historic preservation.**
2. Section 37-41, **appropriations to revert to state treasury.**
3. Section 37-74(d), **program execution.**
4. Section 40-66, **lapsing of appropriations.**
5. Chapter 46, **counties**, as to any county ordinance, rule, regulation, law, or provision in any form that applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this Supplemental Proclamation or my March 6, 2012 Proclamation.
6. Chapter 89, **collective bargaining in public employment.**
7. Chapter 89C, **public officers and employees excluded from collective bargaining.**
8. Section 102-2, **contracts for concessions in government buildings; bid requirements.**
9. Section 103-2, **general fund.**
10. Section 103-8.5, **works of art special fund.**
11. Section 103-50, **building design to consider needs of persons with disabilities.**
12. Section 103-53, **contracts with the State or counties; tax clearances, assignments.**
13. Section 103-55, **wages, hours, and working conditions of employees of contractors performing services.**
14. Chapter 103D, **Hawaii public procurement code.**
15. Chapter 104, **wages and hours of employees on public works.**
16. Sections 105-1 to 105-10, **use of government vehicles, limitations.**
17. Sections 142-2 to 142-12, **as these sections may apply to the arrival of dogs used by search and rescue teams approved by the State of Hawai'i, Department of Defense.**
18. Chapter 171, **public lands, management and disposition of.**

19. Chapter 174C, **state water code.**
20. Chapter 180, **soil and water conservation districts.**
21. Chapter 180C, **soil erosion and sediment control.**
22. Chapter 183, **forest reserves, water development, zoning.**
23. Chapter 183C, **conservation district.**
24. Chapter 183D, **wildlife.**
25. Chapter 184, **state parks and recreation areas.**
26. Chapter 195, **natural areas reserves system.**
27. Chapter 195D, **conservation of aquatic life, wildlife, and land plants.**
28. Chapter 198D, **Hawaii statewide trail and access system.**
29. Chapter 205, **land use commission.**
30. Chapter 205A, **coastal zone management.**
31. Section 209-9, **rental or sale of essential commodities during a state disaster; prohibition against price increases**, except for those provisions of section 209-9(a)(1) relating to any prohibited increase in the selling price of any commodity, whether at the retail or wholesale level, in the areas that are the subject of my March 6, 2012 disaster Proclamation or this Supplemental Proclamation, for any building or construction materials, merchandise, supplies, equipment, resources, or products that the seller or contractor knows or should know are intended for use on any road, structure, facility, improvement, or property damaged by the heavy rains and flooding that is the subject of my March 6, 2012 disaster Proclamation and this Supplemental Proclamation.
32. Chapter 264, **highways.**
33. Chapter 269, **public utilities commission.**
33. Chapter 286, **highway safety.**
34. Chapter 341, **environmental quality control.**
35. Chapter 342B, **air pollution.**
36. Chapter 342D, **water pollution.**
37. Chapter 342E, **non-point source pollution management and control.**
38. Chapter 342F, **noise pollution.**
39. Chapter 343, **environmental impact statements.**

40. Chapter 344, **state environmental policy.**
41. Section 464-4, **public works required to be supervised by certain professionals.**

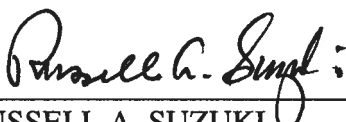
FURTHER, all provisions and requirements of my Proclamation of March 6, 2012, unless amended herein, shall remain in full force and effect and are made applicable to this Supplemental Proclamation.

I FURTHER DECLARE that I will set a date after which no further applications for assistance under the law shall be accepted, which date I may extend for a reasonable time for good cause.

Done at the State Capitol, this
8th day of March, 2012.


NEIL ABERCROMBIE
Governor of Hawai'i

APPROVED:


RUSSELL A. SUZUKI
Acting Attorney General
State of Hawai'i